

7 FAM 760

DECEASED SEAMEN AND THEIR EFFECTS

(CT:CON-407; 06-29-2012)

(Office of Origin: CA/OCS/L)

7 FAM 761 NOTIFICATION OF DEATH OF UNITED STATES NATIONAL SEAMEN ABROAD

(CT:CON-111; 09-15-2005)

- a. The master of the vessel or the ship's agent usually will advise you of the death on the high seas or in port of a seaman who is a United States national, and they may also advise the next of kin. You also have a statutory obligation to advise the next of kin and prepare a report of death for any seaman who is a United States national. (See 7 FAM 200).
- b. The responsibilities of the master of the vessel include:

Logbook and Entry Requirements – 46 U.S.C. 11301 provides:

46 U.S.C. 11301 Logbook and Entry Requirements

"(b) The master of the vessel shall make or have made in the official logbook the following entries:

(6) Each death on board, with the cause of death, and if a seaman, the information required by section 10702 of this title."

- c. Notification of Consular Officer: 46 U.S.C. 10703 provides:

46 U.S.C. 10703 Procedures for Masters

"(b) If the vessel touches at a foreign port after the death of the seaman, the master shall report to the first available consular officer."

7 FAM 762 NOTIFICATION OF DEATH AND DISPOSITION OF REMAINS OF SEAMEN OF

FOREIGN NATIONALITIES ABOARD A UNITED STATES FLAG VESSEL

(CT:CON-111; 09-15-2005)

- a. The master of the vessel or the ship's agent usually will advise you of the death of a seaman of foreign nationality and they may also advise the next of kin.
- b. You must report the death to:
 - (1) CA/OCS/ACS;
 - (2) The next of kin, if known or
 - (3) The officials of the seaman's country of nationality.
- c. No Foreign Service Report of Death is prepared for non- United States nationals.
- d. Consular Mortuary Certificates may be prepared for shipment of remains of non-United States nationals to the United States.

7 FAM 763 DISPOSITION OF REMAINS

(CT:CON-111; 09-15-2005)

- a. According to maritime custom and union contracts, the owner or operator of a vessel is normally responsible for the burial expenses of a seaman, provided that the seaman is still in the service of the vessel or is still entitled to maintenance and repatriation at the time of death.
- b. Burial expenses may not be deducted from the seaman's wages.
- c. Whether the family or owner/operator pays the disposition of remains expenses, you should follow the same procedures for the shipment of remains as you do for other United States citizens. (See 7 FAM 200).

7 FAM 764 EFFECTS OF A SEAMAN OF THE UNITED STATES

(CT:CON-111; 09-15-2005)

- a. Duties of Masters – 46 U.S.C. 10702 provides:

46 U.S.C. 10702 Duties of Masters

"(a) When a seaman dies during a voyage, the master shall take charge of the seaman's money and property. An entry shall be made in the official logbook, signed by the master, the chief mate, and an unlicensed crewmember containing an inventory of the money and property and a statement of the wages due the seaman, with the total of the deductions to be made.

"(b) On compliance with this chapter, the master shall obtain a written certificate of compliance from the consular officer or court clerk. Clearance may be granted to a foreign-bound vessel only when the certificate is received at the office of customs."

- b. 46 U.S.C. 10703 provides:

46 U.S.C. 10703 Procedures for Masters

"(a) If the vessel is proceeding to the United States when a seaman dies, the master shall deliver the seaman's money, property, and wages when the agreement required by this part is ended, as provided in section 10706 of this title.

"(b) If the vessel touches at a foreign port after the death of the seaman, the master shall report to the first available consular officer. The consular officer may require the master to deliver to the officer the money, property, and wages of the seaman. The consular officer shall give the master a receipt for the matters delivered and certify on the agreement the particulars of the delivery. When the agreement ends, the master shall deliver the receipt to a district court of the United States.

"(c) If the consular officer does not require the master to deliver the seaman's money, property, and wages, the officer shall so certify on the agreement, and the master shall dispose of the money, property, and wages as provided under section 10706 of this title.

"(d) A deduction from the account of a deceased seaman is valid only if certified by a proper entry in the official logbook."

- c. When a seaman dies during a voyage, the master of the vessel:

- (1) Takes possession of the deceased seaman's property and money;
- (2) Makes an entry in the ship's official log book containing an

inventory of the property and money and a statement of the wages due the seaman as well as a total of the deductions from the wages; and

- (3) With the chief mate, and a crewmember, must sign the log book entry.
- d. You then provide the master with a written certificate of compliance (see 46 U.S.C. 10703(c)).

46 U.S.C. 10703(c)

"If the consular officer does not require the master to deliver the seaman's money, property, and wages, the officer shall so certify on the agreement, and the master shall dispose of the money, property, and wages as provided under section 10706 of this title."

- e. Upon direct return to the United States, the master or the ship's agent forwards the property and money to the responsible United States district court for administration.

46 U.S.C. 10705

"The responsible U.S. District Court is the court for the district in which the voyage begins or ends."

- f. When a ship remains in or enters a foreign port, the master should report the death to the nearest consular post. Depending on the length of the voyage and destination or if the ship is sold in the foreign port, you may:
 - (1) Take possession of the property and money, including wages. When you do not take possession of the property, the master should provide a statement of the seaman's account for your case file;
 - (2) Provide the master with a Receipt for Effects; and/or
 - (3) Endorse and certify the ship's articles indicating the disposition of the effects, and forward a copy to CA/OCS/ACS.

7 FAM 765 ROLE OF THE CONSULAR OFFICER IF YOU TAKE POSSESSION OF PERSONAL EFFECTS

(CT:CON-111; 09-15-2005)

- a. 46 U.S.C. 10704 provides:

46 U.S.C. 10704 Duties of Consular Officers

"When a seaman dies outside the United States leaving money or property not on board a vessel, the consular officer nearest the place at which the money and property is located shall claim and take charge of it."

- b. You should:

- (1) Create an inventory;
 - (2) Prepare a statement detailing: and
 - (a) The unsold effects and money of the deceased being held;
 - (b) A description of items sold and amount received; and
 - (c) The wages due the deceased and deductions to be made. The master must verify in the logbook any allowable deductions.
 - (3) Forward the effects expeditiously under the consular seal to the responsible United States district court for administration and request a receipt. Money should be sent by bank draft or check payable to the clerk of the district court in accordance with post procedures.
- c. Inform the next of kin of the location of the United States district court where wages and effects will be sent and the estimated date of arrival.
- d. Advise the next of kin to correspond directly with the court for further information.
- e. Inform CA/OCS/ACS of the disposition of effects including an accounting of financial transactions.
- f. When a seaman dies ashore, you should take possession of the effects and money not aboard ship and forward them to the responsible United States district court for administration.
- g. Expenses incurred in transmitting effects and money to the United States district court should be deducted from available funds from the estate. If adequate funds are not available either from money received or from items sold, request the shipping company or the next of kin to provide assistance. (See 7 FAM 200).

7 FAM 766 DEATH OF SEAMAN IN THE UNITED STATES

(CT:CON-111; 09-15-2005)

46 U.S.C. 11706 provides:

46 U.S.C. 11706 Seamen Dying in the United States

When a seaman dies in the United States and is entitled at death to claim money, property, or wages from the master or owner of a vessel on which the seaman served, the master or owner shall deliver the money, property, and wages to a district court of the United States within one week of the seaman's death. If the seaman's death occurs at sea, such money, property, or wages shall be delivered to a district court or a consular officer within one week of the vessel's arrival at the first port call after the seaman's death.

7 FAM 767 THROUGH 769 UNASSIGNED